

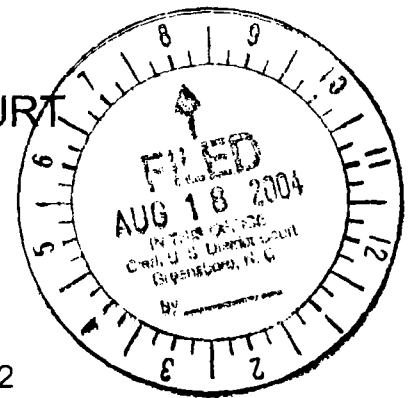
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UNITED STATES DISTRICT COURT

Middle District of North Carolina



DIRECTV, INC.

Plaintiff,

v.

JAMES GREGORY BENSON,
DANIEL O. CABEEN, LARRY
FREEZE, MARVIN HOWELL,
JASON LONG, and R. Glenn
SNIDER, JR.,

Defendants.

#1:03CV1132

O-R-D-E-R

On June 24, 2004, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties and a copy was given to the court.

Within the time limitation set forth in the statute, Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Plaintiff's motion to amend the complaint to dismiss the section 2512 claim (docket no. 24) is GRANTED. This ruling necessarily moots so much of Defendants' motion to dismiss (docket no. 14) as addresses this section 2512 claim, and it is DENIED AS MOOT.

IT IS FURTHER ORDERED that so much of Defendants' motion to dismiss (docket no. 14) as addresses the section 2511 claim is DENIED and so much of Defendants' motion to dismiss (docket no. 14) as addresses the conversion claim is GRANTED. Defendants' motion to dismiss (docket no. 14), therefore, is DENIED IN PART and GRANTED IN PART.


United States District Judge

August 18, 2004